

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT

OAH CASE NO. 2014041213

v.

SAUGUS UNION SCHOOL DISTRICT,

SAUGUS UNION SCHOOL DISTRICT

OAH CASE NO. 2014040522

v.

ORDER GRANTING STUDENT'S
MOTION TO CONSOLIDATE

PARENT ON BEHALF OF STUDENT.

On April 9, 2014, Saugus Union School District filed a request for Due Process Hearing (District's complaint) naming Student in OAH case number 2014040522 (District's Case). The issue raised in District's complaint was whether District's offer of placement and related services in its February 7, 2014 IEP constituted an offer of a free appropriate public education (FAPE) to Student.

On April 25, 2014, Mother on behalf of Student filed: (i) a request for due process hearing (Student's complaint) naming District, under OAH case number 2014041213 (Student's Case); and (ii) a motion to consolidate Student's Case with District's Case. Student's complaint contended that District procedurally and substantively denied Student a FAPE for the 2013-2014 and 2014-2015 school years by failing to conduct appropriate assessments, failing to develop appropriate goals for Student, and failing to provide Student an appropriate placement and related services. Student's complaint alleges that District's February 7, 2014 IEP denied Student a FAPE by reducing his related services without prior written notice and impeded Mother's right to participate in Student's IEP by failing to clearly state what related services were being offered to Student. Student seeks a change of Student's placement, additional related services, and compensatory education.

On April 28, 2014, District filed a notice of non-opposition to consolidation.

Consolidation

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate

matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, Student and District have requested that District's Case and Student's Case be consolidated. The matters involve the same parties and common questions of law or fact. The facts and law that are relevant to District's claim that District's offer of placement and related services in its February 7, 2014 IEP constituted an offer of a free appropriate public education (FAPE) to Student are the same facts and law relevant to Student's claim that the that IEP denied Student a FAPE by reducing his related services without prior written notice and impeded Mother's right to participate in Student's IEP by failing to clearly state what related services were being offered to Student. District and Student presumably will rely on many of the same witnesses and documents to support their respective contentions. Thus, it will further the interests of judicial economy to save time and prevent inconsistent rulings by taking evidence on all of the above issues at a single, consolidated hearing. Accordingly, consolidation is granted.

ORDER

1. Student's motion to consolidate Student's case number 2014041213 with District's case number 2014040522 is granted.
2. Student's case number 2014041213 is designated as the primary case in the consolidated matters, and all future pleadings and other documents in the consolidated matters are to be maintained in that case file.
3. All dates previously set in District's case are vacated.
4. District's case is continued, and the consolidated matters will proceed together on the following dates set forth in OAH's April 29, 2014 Scheduling Order in Student's case:

Mediation:	June 3, 2014.
Prehearing Conference:	June 16, 2014 at 1:00 p.m.
Due Process Hearing:	June 24, 2014, from 9:30 a.m. to 4:30 p.m. and continuing day to day, Monday through Thursday, 9:00 a.m. to 4:30 p.m., and as needed at the discretion of the Administrative Law Judge.

The above dates remain subject to modification.

5. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on the April 29, 2014 filing date of Student's complaint in Student's case, and on the continuance granted in District's case as of the date of this Order.

Dated: May 1, 2014

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings